

Application Number 09/266,674

Responsive to Office Action mailed November 1, 2005

REMARKS

This paper is responsive to the Office Action dated November 1, 2005. Claims 17-18, 35-37, 39 and 40 are pending.

Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 17-18, 35-37, 39 and 40 under 35 U.S.C. 103(a) as being unpatentable over Krueger et al. (U.S. 5,772,625) in view of Kashmer et al. (U.S. 4,465,485) and in further view of Noiles (U.S. 4,198,971) and/or Villari (U.S. 4,366,836) and/or Norton (U.S. 4,512,771) and/or Ruschke (U.S. 4,521,212). Applicant respectfully traverses the rejection. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

Applicant's independent claim 17 requires a tube, an outlet manifold in fluid communication with the tube, the outlet manifold having an outlet, an inlet manifold in fluid communication with the tube, the inlet manifold having an inlet and an outer surface, the inlet manifold having a vent, the inlet manifold having an inside surface, the vent having a filter made of a porous material wherein a pore size of the porous material ranges from about .45 μm to about 5.0 μm , wherein the porous material is adhered to the inside surface of the inlet manifold, a drainage bag and a stopcock connecting the tube to the drainage bag through the outlet.

Applicant's independent claim 35 requires a tube, an outlet manifold in fluid communication with the tube, the outlet manifold having an outlet, an inlet manifold in fluid communication with the tube, the inlet manifold having an inlet and an outer surface, the inlet manifold having a vent, the inlet manifold having an inside surface, the vent having a filter made of a porous material wherein the pore size of the porous material ranges from about .22 μm to about 5.0 μm wherein the porous material is adhered to the inside surface of the inlet manifold, a drainage bag and a stopcock connecting the drip chamber to a drainage bag through the outlet.

Applicant's independent claim 37 requires a tube, an outlet manifold in fluid communication with the tube, the outlet manifold having an outlet, an inlet manifold in fluid communication with the tube, the inlet manifold having an inlet and an outer surface, the inlet manifold having a hydrophobic vent, the inlet manifold having an inside surface, the hydrophobic vent having a filter made of a hydrophobic porous material, a drainage bag and a

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stopcock connecting the tube to the drainage bag through the outlet, wherein the hydrophobic porous material is adhered to the inside surface of the inlet manifold.

In the previous Office Action, the Examiner had indicated that the subject matter of claims 17-18, 35-37, 39 and 40 was allowable. Specifically, the Examiner had indicated that the prior art did not disclose or suggest a porous material adhered to the inside surface of an inlet manifold, within the context of the other features Applicant's claims.

However, notwithstanding the Examiner's previous indication of the allowability of independent claims 17, 35 and 37, the Examiner is now citing Noiles, Villari, Norton and/or Ruschke as suggesting an inlet manifold that includes a porous material adhered to an inside surface of the inlet manifold. Unfortunately, none of the Noiles, Villari, Norton or Ruschke references discloses or suggests this feature. Moreover, the Examiner failed to point to any teaching in these references that would have suggested an inlet manifold that includes a porous material adhered to an inside surface of the inlet manifold, much less this feature within the context of a drip chamber system for draining cerebral spinal fluid from a brain. For these reasons, Applicant is generally confused as to why the Examiner is now rejecting the claims that were previously indicated as allowable.

In view of the fact that none of the newly cited references discloses or suggests a porous material adhered to an inside surface of the inlet manifold, the Examiner has failed to establish a prima facie case of obviousness under 35 U.S.C. 103(a).

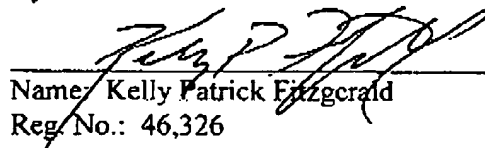
Accordingly, all claims in this application are in condition for allowance for the same reasons previously identified by the Examiner in the previous Office Action. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

Jan. 24, 2006

SHUMAKER & SIEFFERT, P.A.
8425 Seasons Parkway, Suite 105
St. Paul, Minnesota 55125
Telephone: 651.735.1100
Facsimile: 651.735.1102

By:


Name: Kelly Patrick Fitzgerald
Reg. No.: 46,326